

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM,

Plaintiff,

V.

**360 HEALTH SERVICES, LLC,
NICHOLAS PAPE, NICHOLAS
JENKINS, DR. HOWARD
NEWMAN, DC, LEVERAGE
MANAGEMENT SOLUTIONS, LLC,
G5 MEDICAL SUPPLY, LLC,
CHRISTIAN GARGUILO, AND
JOHN/JANE DOES 1-5.**

Defendants.

CASE NO. 4:20-CV-109-ALM-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 1, 2021, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #26) that Defendants Christian Garguilo and G5 Medical Supply, LLC's (the "G5 Defendants") 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction (the "Motion") (Dkt. #17) be granted.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, the G5 Defendants' Motion (Dkt. #17) is hereby **GRANTED**.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that all of the claims asserted by Craig Cunningham as to Defendants Christian Garguilo and G5 Medical Supply, LLC's, are **DISMISSED WITHOUT PREJUDICE**. Each party shall bear its own costs.

This Memorandum does not dismiss Plaintiff's claims against the remaining Defendants.

IT IS SO ORDERED.

SIGNED this 25th day of March, 2021.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE